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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,470	07/21/2005	Karin Heden	P16364-US1	6904
27045	7590	05/10/2010	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			LEBASSI, AMANUEL	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			05/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/510,470

Applicant(s)

HEDEN, KARIN

Examiner

AMANUEL LEBASSI

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto et al. US 6987779 in view of Forslow. US 20030039237.

Regarding claim 1, Sevanto discloses a method for use in a mobile communications system where a mobile station communicates packet data over a radio interface with a radio base station system coupled to a packet node (see **Fig. 2a and col.5, lines 4-5 where message is exchanged between a MS, an SGSN and a GGSN through a BSS**). Sevanto discloses the mobile station sending a first message to the packet node requesting a packet communication the first message (**Fig. 2a, step 201 where the MS transmits an Activate PDP Context Request message**) including a packet flow having a requested quality of service and a mobile station capability (**col. 5, lines 57 – col. 6, line 16 i.e. QOS supported and MS Capability such as supported content-types**). Sevanto discloses the method characterized by: following responsive to

receiving the first message, the packet node sending a second message to the base station system including the mobile station capability (see **Fig. 2a step 209 and 210 and col. 7, lines 21-24**), and where the quality of service is selected by the mobile station (**col. 5, lines 57 – col. 6, line 16 - i.e. QOS is selected by the mobile station**). Sevanto is silent on the base station system using the mobile station capability in evaluating whether the requested quality of service can be supported for the packet flow.

However, Forslow teaches the base station system using the mobile station capability in evaluating whether the requested quality of service can be supported for the packet flow (**paragraph [0054] – where based on the requested quality of service for a specific application flow, an optimal one of a circuit-switched and a packet-switched bearer is selected to carry that specific application flow**).

At the time of invention, it would have been obvious to modify the invention of Sevanto with teaching of Forslow. The motivation would be in order to enhance the communication service of the mobile station (**paragraph [0002]**).

Regarding claim 14, Sevanto discloses A mobile communications system (abstract, mobile communication system involving MS). Sevanto discloses a radio access network (**Fig. 2a**) including a control node (**col. 5, lines 4-8**). Sevanto discloses a packet node coupled to the control node (**Fig. 2a - BSS connected to SGSN**) and a mobile station configured to communicate over a radio interface with the radio access network (**Fig. 2a, MS communicating with BSS**), the mobile station being further configured to send a first message to the packet node (**Fig. 2a, step 201 where the MS transmits an**

Activate PDP Context Request message) via the radio access network requesting a packet communication including a packet flow having a requested quality of service and a mobile station capability service (**col. 5, lines 57 – col. 6, line 16 i.e. QOS supported and MS Capability such as supported content-types**). Sevanto discloses the packet node being configured to send a second message to the control node capability, following the first message, the second message including the mobile station capability (**see Fig. 2a**).

Sevanto is silent on the control node being configured system using the mobile station capability in evaluating whether the requested quality of service can be supported for the packet flow.

However, Forslow teaches the control node using the mobile station capability in evaluating whether the requested quality of service can be supported for the packet flow (**paragraph [0054] – where based on the requested quality of service for a specific application flow, an optimal one of a circuit-switched and a packet-switched bearer is selected to carry that specific application flow**).

At the time of invention, it would have been obvious to modify the invention of Sevanto with teaching of Forslow. The motivation would be in order to enhance the communication service of the mobile station (**paragraph [0002]**).

Regarding claim 2, Sevanto discloses the base station system creating a packet flow context for the packet flow using the mobile capability (col. 6, line 17-27).

Regarding claim 3, Sevanto discloses the base station system creating the packet flow context for the packet flow considering a condition of a cell area in which the mobile station is located (col. 6, line 23-27).

Regarding claim 4, Sevanto discloses allocating radio resources for the packet flow based on the cell condition and the mobile station capability (col. 5, lines 57 – col. 6, line 16).

Regarding claim 5, Sevanto discloses detecting a change in radio resources sending a message to change the quality of service for the packet flow and using the mobile station capability in determining whether to change the quality of service for the packet flow (col. 6, line 17-27).

Regarding claim 6, Sevanto discloses the mobile capabilities include one or more of the following: one or more types of radio access technology supported by the mobile station, a power capability supported by the mobile station, a time slot class supported by the mobile station, and a type of mobile packet radio service supported by the mobile station (Fig. 1 and col. 1, lines 20-31 where GSM uses time slots).

Regarding claim 7, Sevanto discloses the packet node is part of a General Packet Radio Services (GPRS) network and is a Serving GPRS Support Node (SGSN) and the

Base Station System (BSS) is part of a Global System for Mobile communications (GSM) network (Fig. 1 and col. 1, lines 44-57 and col. 5, lines 57-65).

Regarding claim 8, Sevanto discloses the first message is an Activate Packet Data Protocol (PDP) Context Request message and the second message is a Create Base Station System (BSS) Packet Flow Context message sent from the SGSN to the BSS (col. 2, lines 27-38).

Regarding claim 9, Sevanto discloses the mobile station capabilities include one or more of the following: one or more types of radio access technology supported by the mobile station, a power capability supported by the mobile station, a time slot class supported by the mobile station, a type of mobile packet radio service supported by the mobile station including whether the mobile supports an enhanced GPRS capability or a GPRS capability, a multi-slot class type supported by the mobile station, an extended dynamic allocation capability supported by the mobile station, a multi-slot sub-class capability supported by the mobile station, and a GSM EDGE Radio Access Network (GERAN) feature package 1 including functionality for Extended Uplink Temporary Block Flow (TBF) Mode and Network- Assisted Cell Change supported by the mobile station (Fig. 1 and col. 1, lines 20-31).

Regarding claim 10, Sevanto discloses the first message is a routing area update message (col. 8, line 29-38).

Regarding claim 11, Foreslow teaches the method is initiated by the BSS requesting a download of a Packet Flow Context (PFC) Create message (paragraph [0015]).

Regarding claim 12, Sevanto discloses the method is initiated by the packet node sending a message to the mobile station requesting a packet communication (abstract).

Regarding claim 13, Sevanto discloses the method is initiated by a Gateway GPRS Support Node (GGSN) establishing a packet connection with the mobile station (col. 1, lines 58-66)

Regarding claim 15, Sevanto discloses the control node is configured to create a packet flow context for the packet flow using the mobile capability (col. 6, line 17-27).

Regarding claim 16, Sevanto discloses the control node is configured to create the packet flow context for the packet flow considering a condition of a cell area in which the mobile station is located (col. 6, line 23-27).

Regarding claim 17, Sevanto discloses the control node is configured to allocate radio resources for the packet flow based on the cell condition and the mobile station capability (col. 5, lines 57 – col. 6, line 16).

Regarding claim 18, Sevanto discloses the control node is configured to detect a change in radio resources, send a message to change the quality of service for the packet flow, and use the mobile capability in determining whether to change the quality of service for the packet flow (col. 6, line 17-27).

Regarding claim 19, Sevanto discloses the mobile capabilities include one or more of the following: one or more types of access technology supported by the mobile station, a power capability supported by the mobile station, a time slot class supported by the mobile station, and a type of mobile packet radio service supported by the mobile station (Fig. 1 and col. 1, lines 20-31 where GSM uses time slots).

Regarding claim 20, Sevanto discloses the packet node is part of a General Packet Radio Services (GPRS) network and is a Serving GPRS Support Node (SGSN) and the control node is a radio Base Station Controller (BSC) in a Base Station System (BSS) (Fig. 1 and col. 1, lines 44-57 and col. 5, lines 57-65).

Regarding claim 21, Sevanto discloses the first message is an Activate Packet Data Protocol (PDP) Context Request message and the second message is a Create Base

Station System (BSS) Packet Flow Context message sent from the SGSN to the BSS (col. 2, lines 27-38).

Regarding claim 22, see similar rejection of claim 9.

Regarding claim 23, see similar rejection of claim 10.

Regarding claim 24, Sevanto discloses the first message is a Download BSS Packet Flow Context (PFC) message sent by the BSS (col. 2, lines 1-6).

Regarding claim 25, Sevanto discloses the first message is a Request PDP context activation sent by the Serving GPRS Support Node (SGSN) (col. 2, lines 6-11).

Regarding claim 26, Sevanto discloses the packet node configured to send a message to the mobile station via the radio access network requesting a packet communication (Fig. 2b, col. 8, lines 29-32).

Regarding claim 27, Sevanto discloses apparatus for use in a mobile communications (abstract, mobile communication system involving MS). Sevanto discloses system where a mobile station communicates packet data over a radio interface with a radio access network (RAN) (see Fig. 2a). Sevanto discloses a RAN node and a packet node coupled to the RAN node having information about a mobile station

capability (col. 5, lines 57 – col. 6, line 16 i.e. PDP). Sevanto discloses the packet node being configured to send a message to the RAN node including the mobile station capability (see Fig. 2a), and the RAN node being configured to use the mobile station capability in evaluating whether a quality of service can be supported for a packet flow associated with the mobile station (col. 5, lines 57 – col. 6, line 16 i.e. QOS).

Regarding claim 28, see similar rejection of claim 20.

Regarding claim 29, see similar rejection of claim 21.

Regarding claim30, see similar rejection of claim 22.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi
/A. L./
4/26/2010

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617